

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

DONTA JENKINS,

Plaintiff,

v.

JASEN MILLER, JAMIE GOHDE, LUCAS WEBER,
MICHAEL DITTMAN, SHAWN TOBIE,
ANDREW JEZUIT, RONALD SWENSON,
LINDSAY WALKER and CHRISTOPHER BORTZ,

Defendants.

ORDER

Appeal No. 19-1119
Case No. 17-cv-25-bbc

On January 18, 2019, the court entered an order allowing plaintiff Donta Jenkins leave to proceed *in forma pauperis* on appeal and assessing plaintiff initial partial payments of \$14.45 for appeal no. 19-1119. Dkt. #70. On January 24, Jenkins filed a declaration that he is unable to pay the \$14.45 initial partial payment assessed to him for filing the appeal. In support of his declaration, Jenkins also submitted a trust fund account statement covering from July 23, 2018 through January 23, 2019. Dkt. #71-1. Jenkins indicates in his declaration that he currently has no funds in either his regular or release account to pay the \$14.45 initial partial payment for filing this appeal.

After considering Jenkins declaration and updated trust fund account statement, it appears that Jenkins presently has no means with which to pay the appeal filing fee or to make the \$14.45 initial partial appeal payment. Under these circumstances, Jenkins is not required to make an initial partial payment. 28 U.S.C. § 1915(b)(4). *See also Sultan v. Fenoglio*, 775 F.3d 888, 890 (7th Cir. 2015) (concluding that prisoner had no means to pay initial partial payment when prisoner administrators failed to comply with prisoner's request to forward payment to the court). But Jenkins is advised that the full \$505 appeal filing fee remains his obligation.

ORDER

IT IS ORDERED that I find that plaintiff Donta Jenkins has no means to pay the \$14.45 initial partial appeal filing fee. However, Jenkins remains responsible for paying the \$505 appeal filing fee.

Entered this 31st day of January, 2019.

BY THE COURT:

/s/
PETER OPPENEER
Magistrate Judge